

**COUNTY COUNCIL**

Jay Furfaro, Chair  
JoAnn A. Yukimura, Vice Chair  
Tim Bynum  
Dickie Chang  
KipuKai Kualif'i  
Nadine K. Nakamura  
Mel Rapozo



**OFFICE OF THE COUNTY CLERK**

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**Council Services Division**  
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Līhu'e, Kaua'i, Hawai'i 96766

**MEMORANDUM**

November 15, 2012

TO: Bernard P. Carvalho, Jr., Mayor  
FROM: Jay Furfaro, Council Chair  
RE: **NOVEMBER 14, 2012, COUNCIL MEETING**

A handwritten signature in dark ink, appearing to be "Jay Furfaro", is written over the "FROM:" line of the memorandum.

This is to inform you of the action taken by the Council at its November 14, 2012, Council Meeting and any follow-up that was requested:

**CONSENT CALENDAR:**

C 2012-422 Communication (10/12/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution establishing a School Bus Stop on Kōloa Road in the vicinity of Honuhonu Place, Kōloa District, as requested by Ms. Julie Simonton, with concurrence from Mr. Hughes Ebinger, Department of Education, Bus Transportation Services. *(Received for the Record.)*

C 2012-423 Communication (10/16/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution establishing "No Parking At Any Time" along a portion of Po'ipū Road between the Grand Hyatt Employee Parking Lot entrance and its intersections with Pe'e Road, as requested by Mr. Adrian M. Beltran, President of the Po'ipū Kai Association. *(Received for the Record.)*

C 2012-424 Communication (10/17/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution repealing Resolution No. 2005-61, relating to School Bus Stops on Akalei Street and Lilia Street, and establishing new School Bus Stops on Pualei Street and Lilia Street, 'Ele'ele Nani Subdivision, Kōloa District, as requested by Ms. Caroline Bigno, with concurrence from Mr. Hughes Ebinger, Department of Education, Bus Transportation Services. *(Received for the Record.)*

C 2012-425 Communication (10/17/2012) from the Chief, Engineering Division, Department of Public Works, transmitting for Council approval, a Resolution repealing Item Five (5) of Section 1, Resolution No. 54-91, and establishing a new maximum speed limit of ten miles per hour (10 MPH) and twenty-five miles per hour (25 MPH) along portions of Kalihiwai Road, Hanalei District. *(Received for the Record.)*

C 2012-426 Communication (10/17/2012) from Councilmember Kualii, transmitting for Council consideration, a Resolution in support of reducing greenhouse gas pollution under the Clean Air Act. ***(Received for the Record.)***

C 2012-427 Communication (10/25/2012) from Councilmember Bynum, transmitting for Council consideration, a Resolution relating to the acquisition of a public access easement to Pāpa'a Bay. ***(Received for the Record.)***

C 2012-428 Communication (09/20/2012) from Council Vice Chair Yukimura, transmitting for Council consideration, a Proposed Draft Bill for an Ordinance Amending Section 19-1.4 of the Kaua'i County Code 1987, as Amended, Relating to Parks and Recreation - General Prohibitions Applicable To All Parks and Recreation Facilities. ***(Received for the Record.)***

C 2012-429 Communication (10/26/2012) from Council Vice Chair Yukimura, transmitting for Council consideration, a Proposed Draft Bill for an Ordinance to Amend Chapter 8, Kaua'i County Code 1987, relating to the Comprehensive Zoning Ordinance Special Standards For Issuance of Farm Worker Housing Use Permits. ***(Received for the Record.)***

#### COMMUNICATIONS:

C 2012-430 Communication (10/22/2012) from Councilmember Kualii and Councilmember Rapozo requesting Council approval, to submit the 2014-2015 Western Interstate Region (WIR) Conference Request For Proposal (RFP) to apply to host the WIR Conference in May 2015. ***(Approved.)***

C 2012-431 Communication (10/29/2012) from Councilmember Nakamura requesting Council approval, for the public release of the County Attorney's opinion dated October 8, 2012 regarding the authority of the Office of the Prosecuting Attorney to offer a Diversion Program. ***(Approved.)***

C 2012-432 Communication (11/08/2012) from Councilmember Kualii, transmitting for Council approval, the following proposals to be included in the 2013 Kaua'i County Legislative Package:

1. A BILL FOR AN ACT RELATING TO ENERGY RESOURCES (proposed by Council Vice Chair JoAnn A. Yukimura) ***(Approved as amended.)***
2. A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING CREDITS (proposed by Council Vice Chair JoAnn A. Yukimura) ***(Approved.)***
3. A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES – Public Land Development Corporation (proposed by Councilmember KipuKai Kualii) ***(Approved.)***

4. A RESOLUTION AND CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX (proposed by Council Chair Jay Furfaro) ***(Approved.)***
5. A BILL FOR AN ACT RELATING TO LIABILITY (proposed by the Administration ) ***(Approved as amended.)***
6. A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING (proposed by the Administration ) ***(Approved as amended.)***

C 2012-433 Communication (11/08/2012) from Councilmember Kualii, transmitting for Council approval the following proposals to be included in the 2013 Hawai'i State Association of Counties (HSAC) Legislative Package (the Intergovernmental Relations Committee recommended approval of the following items at its meeting held on November 8, 2012; See Committee Report No. 2012-05:

1. A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT BRANDING AND COUNTRY OR REGION OF ORIGIN LABELING (County of Hawai'i) ***(Approved.)***
2. A HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII CHIEF ELECTION OFFICER AND ELECTIONS COMMISSION TO ESTABLISH A MECHANISM TO MONITOR THE COUNTIES' READINESS TO CONDUCT AN ELECTION AND TO INTERVENE IF NECESSARY (County of Hawai'i) ***(Approved.)***
3. A BILL FOR AN ACT RELATING TO FOOD LABELING (County of Maui) ***(Approved.)***
4. A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE (City and County of Honolulu) ***(Approved.)***
5. A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY (City and County of Honolulu) ***(Approved.)***
6. A BILL FOR AN ACT RELATING TO VOTING (City and County of Honolulu) ***(Approved.)***

7. A CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF STATE, THE DEPARTMENT OF HOMELAND SECURITY, AND THE UNITED STATES ATTORNEY GENERAL TO EASE VISA RESTRICTIONS FOR THE PEOPLE'S REPUBLIC OF CHINA (City and County of Honolulu) **(Approved.)**
8. A RESOLUTION/CONCURRENT RESOLUTION URGING THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX (City and County of Honolulu) **(Approved.)**
9. A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND BOARD OF TRUSTEES (City and County of Honolulu) **(Approved.)**
10. A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM (City and County of Honolulu) **(Approved.)**
11. A BILL FOR AN ACT RELATING TO ELECTRONIC WASTE RECYCLING (City and County of Honolulu) **(Approved.)**
12. A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS (City and County of Honolulu) **(Approved.)**
13. A BILL FOR AN ACT RELATING TO ENERGY RESOURCES (County of Kaua'i) **(Approved.)**
14. A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING CREDITS (County of Kaua'i) **(Approved.)**
15. A BILL FOR AN ACT RELATING TO THE PUBLIC LAND DEVELOPMENT CORPORATION (HSAC Proposal) **(Approved.)**

C 2012-434 Communication (11/12/2012) from the Executive on Aging, requesting Council approval to receive and expend State funds in the amount of \$88,683.00 for implementing the Hawai'i System Change Initiative Five Year Plan, and to indemnify the State of Hawai'i, Executive Office on Aging. (Copies of Contract and Hawai'i Systems Change Initiative Five (5) Year Plan on file in the County Clerk's Office.) **(Approved.)**

C 2012-435 Communication (10/30/2012) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 19, Villas at Puali, located at 1908 Hokunui Place, Lihu'e, Hawai'i, 96766, and to grant the owner a waiver of the buyback and allow the market sale of the unit for a period of one-year. **(Approved.)**

LEGAL DOCUMENT:

C 2012-385 Communication (08/28/2012) from the Civil Defense Manager, recommending Council approval of the second amendment to the five (5) year license agreement between the County of Kaua'i and Bank of Hawai'i, Trustee of the Kukuilono Park Trust Estate, extending the County's license for the 800 MHz radio site located at Kukuilono Park in Kalāheo, Kaua'i, Hawai'i, for emergency radio communications for the County of Kaua'i, which license fee will be paid in incremental increases of three percent (3%) each year for the five (5) year period commencing July 1, 2012.

- Second Amendment of License Agreement  
*(Deferred with a request for a briefing in Executive Session at the November 28, 2012 Council Meeting.)*

C 2012-436 Communication (10/22/2012) from the Director of Parks and Recreation, recommending Council approval of the Katsura Purchase Agreement, Amendment No. 1, and Cancellation of Easement, TMK (4) 4-3-009-042 (portion), at an additional cost of \$896.00.

- Amendment No. 1 To Purchase Agreement
- Cancellation of Easement  
*(Approved.)*

CLAIMS:

C 2012-437 Communication (10/19/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Hawai'i Telecom for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2012-438 Communication (10/22/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Raymond Desjardins for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2012-439 Communication (10/23/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Hawai'i Pacific Trenchless Inc. for services rendered, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2012-440 Communication (10/30/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by James Fain for property damage, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

C 2012-441 Communication (10/30/2012) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Joseph Furfaro for fees paid by claimant, pursuant to Section 23.06, Charter of the County of Kaua'i. *(Referred to the County Attorney's Office for disposition and/or report back to the Council.)*

**COMMITTEE REPORTS: APPROVED.**

**RESOLUTIONS:**

Resolution No. 2012-54, RESOLUTION ESTABLISHING A SCHOOL BUS STOP ON KŌLOA ROAD, IN THE VICINITY OF ITS INTERSECTION WITH HONUHONU PLACE, KŌLOA DISTRICT *(Approved.)*

Resolution No. 2012-55, RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTIONS OF PO'IPŪ ROAD IN THE KŌLOA DISTRICT *(Deferred.)*

Resolution No. 2012-56, RESOLUTION REPEALING RESOLUTION NO. 2005-61 AND ESTABLISHING TWO (2) NEW SCHOOL BUS STOPS ON PUALEI STREET AND LILIA STREET, 'ELE'ELE NANI SUBDIVISION, KŌLOA DISTRICT *(Approved.)*

Resolution No. 2012-57, RESOLUTION REPEALING ITEM FIVE (5), SECTION I OF RESOLUTION NO. 54-91, RELATING TO THE MAXIMUM SPEED LIMIT OF TWENTY-FIVE MILES PER HOUR (25 MPH) ON KALIHAIWAI ROAD, AND ESTABLISHING NEW MAXIMUM SPEED LIMITS OF TEN MILES PER HOUR (10 MPH) AND TWENTY-FIVE MILES PER HOUR (25 MPH) ALONG PORTIONS OF KALIHAIWAI ROAD, HANAIEI DISTRICT *(Approved.)*

Resolution No. 2012-58, RESOLUTION IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION UNDER THE CLEAN AIR ACT *(Approved.)*

Resolution No. 2012-59, RESOLUTION RELATING TO THE ACQUISITION OF A PUBLIC ACCESS EASEMENT TO PĀPĀ'A BAY *(Deferred.)*

**BILLS FOR FIRST READING:**

Proposed Draft Bill (No. 2458) – A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION *(Approved on 1<sup>st</sup> reading, Public Hearing scheduled for 12/19/2012, and referred to the Finance / Parks & Recreation / Public Works Programs Committee.)*

Proposed Draft Bill (No. 2459) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (Special Standards For Issuance Of Farm Worker Housing Use Permits) *(Referred to the Planning Commission for recommendation and report back to the Council.)*

**BILLS FOR SECOND READING:**

Bill No. 2433, Draft 1 – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO AMENDING THE COMPREHENSIVE ZONING ORDINANCE IN ITS ENTIRETY (*Approved as Amended to Bill No. 2433 Draft 2.*)

Bill No. 2450 – A BILL FOR AN ORDINANCE REGARDING AMENDING CHAPTER 8, KAUAI COUNTY CODE 1987, RELATING TO THE ZONING DESIGNATION IN LIHU'E, KAUAI (Department of Water, County of Kauai, Applicant) (*Approved.*)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

Copy: Council

Via: e-mail: KCT Department Heads

KCT CCs

Staff